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FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO October 21, 2010  
BY: J. Telchale ANALYST

9 BEFORE THE  
10 MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
11 STATE OF CALIFORNIA

12 In the Matter of the First Amended Statement  
of Issues Against:

Case No. 20-2009-200421

OAH Case No. 2010061378

13 **WALTER OCAMPO ANDERSON**  
14 **1854 Thibodo Road, #104**  
15 **Vista, California, 92081**

**FIRST AMENDED STATEMENT OF  
ISSUES**

16 Applicant.

17 Complainant alleges:

18 PARTIES AND APPLICATION HISTORY

19 1. Linda K. Whitney (Complainant) brings this First Amended Statement of Issues  
20 solely in her official capacity as the Executive Director of the Medical Board of California,  
21 Department of Consumer Affairs ("Board" or "Medical Board").

22 2. On or about February 1995, August 1999 and May 2005, the Medical Board received  
23 applications for a Physician's and Surgeon's Certificate from Walter Ocampo Anderson  
24 ("Applicant"). Each of these applications was closed by Board staff after Applicant failed to  
25 provide documents and information necessary to complete the application process. In October  
26 2006, Applicant filed a fourth licensing application. That application was closed on October 19,  
27 2006, after Applicant failed to respond to a letter from Board staff requesting additional  
28 documentation. Thereafter, Applicant began to submit some of the requested documents. On

1 October 20, 2008, Applicant filed a fifth licensing application to update his expired October 2006  
2 application. Between October, 2008 and March, 2009, Board staff reviewed and analyzed the  
3 materials submitted by Applicant. Applicant thereafter declined to submit some of the additional  
4 documentation requested by Board staff. Based on its review of the available information, the  
5 Board denied the application on March 23, 2009. Applicant thereafter requested a hearing on the  
6 denial.

### 7 JURISDICTION

8 3. This First Amended Statement of Issues is brought before the Medical Board of  
9 California<sup>1</sup> under the authority of the following laws:<sup>2</sup>

10 4. Section 480 of the Code states:

11 “(a) A board may deny a license regulated by this code on the grounds that the  
12 applicant has one of the following:

13 “(1) Been convicted of a crime. A conviction within the meaning of this  
14 section means a plea or verdict of guilty or a conviction following a plea of nolo  
15 contendere. Any action that a board is permitted to take following the establishment  
16 of a conviction may be taken when the time for appeal has elapsed, or the judgment  
17 of conviction has been affirmed on appeal, or when an order granting probation is  
18 made suspending the imposition of sentence, irrespective of a subsequent order under  
19 the provisions of Section 1203.4 of the Penal Code.

20 “(2) Done any act involving dishonesty, fraud, or deceit with the intent to  
21 substantially benefit himself or herself or another, or substantially injure another.

22 “(3) Done any act that if done by a licentiate of the business or profession  
23 in question, would be grounds for suspension or revocation of license.

24  
25  
26 <sup>1</sup> The term “board” means the Medical Board of California. “Division of Licensing” shall  
also be deemed to refer to the Medical Board. (Bus. and Prof. Code, § 2002.)

27 <sup>2</sup> All section references are to the Business and Professions Code unless otherwise  
28 indicated.

1           “The board may deny a license pursuant to this subdivision only if the crime or act is  
2 substantially related to the qualifications, functions, or duties of the business or profession  
3 for which application is made.”

4           5.     Section 2184 of the Code states, in pertinent part, that:

5           “(a) . . .

6           “(b) Passing scores on a written examination shall be valid for a period of 10 years  
7 from the month of the examination for purposes of qualification for licensure in California.

8           “. . .”

9           6.     Section 2221 of the Code states, in pertinent part, that:

10           “(a) The Division of Licensing may deny a physician's and surgeon's certificate to  
11 any applicant guilty of unprofessional conduct or of any cause that would subject a licensee  
12 to revocation or suspension of his or her license . . . .”

13           7.     Section 2234 of the Code states, in pertinent part, that the Board “shall take action  
14 against any licensee who is charged with unprofessional conduct.” Unprofessional conduct  
15 includes, but is not limited to:

16           “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting  
17 the Violation of, or conspiring to violate any provision of this chapter [Chapter 5 of the  
18 Medical Practice Act].

19           “. . .

20           “(e) The commission of any act involving dishonesty or corruption which is  
21 substantially related to the qualifications, functions, or duties of a physician and surgeon.

22           “(f) Any action or conduct which would have warranted the denial of a certificate.”

23           8.     Section 2236 of the Code states, in pertinent part, that:

24           “(a) The conviction of any offense substantially related to the qualifications,  
25 functions, or duties of a physician and surgeon constitutes unprofessional conduct within  
26 the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record of conviction  
27 shall be conclusive evidence only of the fact that the conviction occurred.

28           “. . .

1           “(d)       A plea or verdict of guilty or a conviction after a plea of nolo contendere is  
2       deemed to be a conviction within the meaning of this section and Section 2236.1. The  
3       record of conviction shall be conclusive evidence of the fact that the conviction occurred.”

4       9.     Section 2305 of the Code provides that the revocation, suspension or other discipline,  
5       restriction or limitation imposed by another state upon a license or certificate to practice medicine  
6       issued by that state, or the revocation suspension or restriction of the authority to practice  
7       medicine by any agency of the federal government, that would have been grounds for discipline  
8       in California shall constitute grounds for disciplinary action for unprofessional conduct in this  
9       state.

10      10.    Section 141 of the Code provides:

11           “(a)       For any licensee holding a license issued by a board under the jurisdiction  
12       of a department, a disciplinary action taken by another state, by any agency of the federal  
13       government, or by another country for any act substantially related to the practice regulated  
14       by the California license, may be ground for disciplinary action by the respective state  
15       licensing board. A certified copy of the record of the disciplinary action taken against the  
16       licensee by another state, an agency of the federal government, or by another country shall  
17       be conclusive evidence of the events related therein.

18           “(b)       Nothing in this section shall preclude a board from applying a specific  
19       statutory provision in the licensing act administered by the board that provides for  
20       discipline based upon a disciplinary action taken against the licensee by another state, an  
21       agency of the federal government, or another country.”

22      11.    California Code of Regulations, title 16, section 1329.2, states: “The ten year  
23       period described in section 2184(b) of the code is not tolled by the filing of an application for  
24       licensure, but continues to run during the application process until such time as all other  
25       requirements for licensure have been satisfied.”

26      ///

27      ///

28      ///

1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 (Criminal Convictions)

3 12. Applicant's application is subject to denial under Section 480(a)(1), (a)(2), and (a)  
4 (3); and/or Section 2221; and/or Section 2234(a), (e) and (f); and/or Section 2236, of the Code, in  
5 that on or about September 20, 2002, in a criminal proceeding entitled *United States of America*  
6 *v. Walter Ocampo Anderson*, United States District Court Southern District of Mississippi No.  
7 02-CR-00097, Applicant was convicted by plea of guilty to felony offenses of money laundering  
8 and bank fraud. The convictions arose out of Applicant's medical practice billing practices which  
9 resulted in false and fraudulent billings to Mississippi's Medicaid program in excess of  
10 \$3,000,000.00. Applicant was sentenced to 30 months imprisonment, followed by 3 years of  
11 court supervised probation.

12 13. Therefore, Applicant's application is subject to denial in that he has been convicted of  
13 crimes substantially related to the qualifications, functions, or duties of a physician and surgeon  
14 in violation of section 480, subdivisions (a)(1) and (a)(3); and/or Section 2221, and/or Section  
15 2234(a) and 2236 of the Code.

16 **SECOND CAUSE FOR DENIAL OF APPLICATION**

17 (Unprofessional Conduct/Dishonesty)

18 14. In 1999, Applicant was indicted in Hinds County, Mississippi and charged with  
19 multiple counts of conspiracy and fraud arising out of fraudulent billing practices engaged in by  
20 Applicant and his son in the course of Applicant's psychiatric practice. Applicant was thereafter  
21 named as a defendant in a civil action brought by the Mississippi Attorney General Medicaid  
22 Fraud Control Unit. The Mississippi state actions were resolved by dismissal of the state criminal  
23 action, and the issuance of an Agreed Order in the civil action. The terms of the September 10,  
24 2001, Agreed Order included more than \$3,000,000 in civil penalties, and an agreement that  
25 Applicant would never practice medicine in Mississippi and would never submit Medicaid or  
26 Medicare claims in Mississippi.

1           15. Therefore, Applicant's application is subject to denial for unprofessional conduct,  
2 and/or dishonest or corrupt acts substantially related to the qualifications, functions or duties of a  
3 physician, and cause for denial exists pursuant to Business and Professions Code sections 2234  
4 and/or 2234(e).

5                           **THIRD CAUSES FOR DENIAL OF APPLICATION**

6   (Out of State Discipline)

7           16. The allegations of the First and Second Causes for Denial, above, are incorporated  
8 herein.

9           17. On or about January 16, 2002, the Mississippi Board of Medical Licensure issued an  
10 Agreed Order Not to Practice or Renew License against Applicant. Applicant agreed never to  
11 seek reinstatement or renewal, and never to apply for a new license to practice medicine in  
12 Mississippi. The basis for the Mississippi Board's action was Applicant's criminal activity as set  
13 forth above.

14           18. On or about October 30, 2002, the Alabama State Board of Medical Examiners issued  
15 an Order revoking Applicant's Alabama license, based on the Mississippi disciplinary order  
16 described above.

17           19. On or about March 11, 2004, the Indiana Medical Licensing Board issued Findings of  
18 Fact and Order, revoking Applicant's Indiana medical license. The Indiana discipline order was  
19 based on the Applicant's criminal history, a false statement on a license renewal application, and  
20 the disciplinary order of the Mississippi Board as described above.

21           20. On or about May 30, 2002, the Utah Division of Occupational and Professional  
22 Licensing issued an Order revoking Applicant's Utah medical license. The Utah disciplinary  
23 action was based on criminal conduct in Mississippi and the disciplinary order of the Mississippi  
24 Board as described above.

25           20. Respondent's conduct, and the action of the Mississippi, Alabama, Indiana and Utah  
26 medical licensing boards, constitutes unprofessional conduct and cause for denial pursuant to  
27 sections 141 and/or 2305 of the Code.

28       ///

1 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

2 21. Applicant's application is further subject to denial under Section 2184 of the Code  
3 and California Code of Regulations, title 16, section 1329.2, in that his written licensing exam  
4 scores are over 10 years old and are no longer valid. Specifically, per documentation provided by  
5 Applicant, his written licensing exam scores were received in 1993 and 1994. Therefore,  
6 Applicant's application is subject to denial because he no longer possesses a valid passing score  
7 on the required written examination.

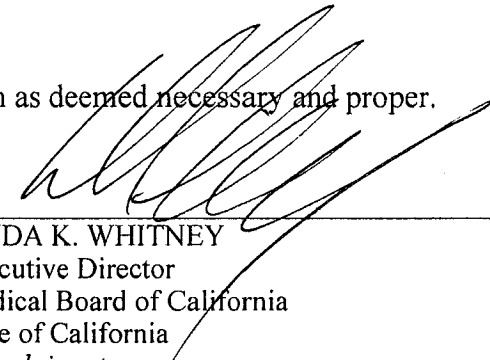
8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
10 and that following the hearing, the Medical Board of California issue a decision:

11 1. Denying the application of Walter Ocampo Anderson for a Physician's and Surgeon's  
12 Certificate;

13 2. Taking such other and further action as deemed necessary and proper.

14  
15 DATED: October 21, 2010.

  
16 LINDA K. WHITNEY  
17 Executive Director  
18 Medical Board of California  
19 State of California  
20 Complainant

21 SF2009404472  
22 statement of issues.rtf  
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